

Salisbury, North Carolina
November 18, 2003

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; City Manager, David W. Tremé; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.

ABSENT: None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Burgin.

PLEDGE OF ALLEGIANCE

Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF SCOUTS

Mayor Kluttz recognized Brandon Corriher from Tiger Cub Troop #476 and Ashley Corriher from Brownie Troop #219 of St. Mark's Lutheran Church. Mayor Kluttz thanked them, as well as other scouts in attendance, for being present.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION OF NEW CITY EMPLOYEE

Mr. Joe Morris, Planning and Community Development Manager, introduced Ms. Janet Gaben who will serve as Planner II. Mayor Kluttz welcomed Ms. Gaben and stated that she is joining a wonderful staff.

Mayor Kluttz informed Council that Patrick Kennerly, who was formerly with the Planning Department, has accepted a position with the Salisbury-Rowan Utilities Department.

RECOGNIZE PIEDMONT PLAYERS THEATRE, INC.

Mayor Kluttz stated that Piedmont Players Theater, Inc. has been named Best Community Theater in North Carolina by the North Carolina Theater Conference. Mayor Kluttz asked the Board of Directors, staff, and all those involved with the theater to come forward. She then presented them with a Certificate of Recognition on behalf of City Council.

Those recognized were: John Sofley, President, Edward Norvell, Vice-President, Wanda Williams, Secretary, John Brincefield, Treasurer, Jennifer Cranford, Historian, David Crook, Past President, Travis Alligood, Monika Bigsby, Gary Cox, Nancy R. Gaines, Barbara Home-Stead, Guy Hoskins, Diane James, Laurie Klaus, George Naylor, Patsy Parnell, Andy Porter, Patsy Reynolds, Gail Elder White, Reid Leonard, Resident Director, Suzanne Burgess, Volunteer Coordinator, Laura Sandridge, Box Office Manager, Diana Moghrabi, Business Manager, and Clyde Overcash, Volunteer Representative.

Mayor Kluttz congratulated everyone and thanked them for their work.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of November 4, 2003.

(b) 2004 Schedule of Council Meeting Dates

Approve the 2004 schedule of regular Council meeting dates.

(c) Group Development Site Plan G-05-03 - Community Baptist Church

Approve Group Development Site Plan G-05-03, Community Baptist Church, 320 Calhoun Avenue, for the construction of a 7,686 square foot sanctuary building and parking lots to be located at the existing site.

(d) Minor Subdivision Plat S-08-03 - Steve Mock

Approve minor subdivision plat S-08-03 for Steve Mock to subdivide a 9.03 acre tract on Sells Road into 2 residential lots.

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

PUBLIC HEARING - 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT

Ms. Barbara Fuller, Fiscal Analyst, and Police Chief Mark Wilhelm spoke to Council concerning the 2003 Local Law Enforcement Block Grant. Ms. Fuller told Council that the Police Department has an opportunity to be awarded a block grant in the amount of \$39,646 which requires matching funds in the amount of \$4,405. The grant is through the United States Department of Justice for Community Policing. Ms. Fuller stated that they would like to have the public hearing for input on the needs and wants of the community before finalizing how the grant will be used.

Chief Wilhelm stated that they have tentatively planned to use the funds to promote their drunk driving awareness program and to expand the program to include schools and civic organizations.

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, concerning the 2003 Local Law Enforcement Block Grant.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

Mayor Kluttz noted that no action was needed at this time.

PUBLIC HEARING - COMMUNITY TRANSPORTATION PROGRAM GRANT FOR FISCAL YEAR 2004-2005

(a) Mr. Steve Martin, Transit Manager, addressed Council concerning the Community Transportation Program grant for FY2004-2005. Mr. Martin indicated that the reason this public hearing takes place earlier than the regular city budget considerations is that a considerable amount of funding is from the federal government and their budget considerations are in October.

Mr. Martin explained that the proposed budget is comprised of \$230,218 of federal funds for operating assistance and \$160,282 from the state maintenance program for operating assistance. Mr. Martin noted that the local match has remained the same since 1993 at \$160,282. These funds will be used to operate the fixed route system and the American with Disabilities Act fair transit system.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider the Salisbury Transit System's proposed Community Transportation Program Grant application for fiscal year 2004-2005.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt the resolution seeking permission from NCDOT for the necessary funds for the Community Transportation System. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION SEEKING PERMISSION TO APPLY FOR FY2004-2005 COMMUNITY TRANSPORTATION PROGRAM FUNDING, AND TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND TO PROVIDE THE NECESSARY ASSURANCES.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII – Miscellaneous at Page No. 70, and is known as Resolution No. 2003-52.)

ZONING MAP AMENDMENT - Z-15-03 - SALISBURY PLANNING BOARD

Z-15-03 - Salisbury Planning Board
Rezoning portions of properties between West Innes Street

and railroad tracks

(a) Mr. Harold Poole, Senior Planner, informed Council that he brought a favorable recommendation from the Planning Board. He noted that this case involved four (4) areas for rezoning. The areas are located close to West Innes Street, near Craig Street, to the railroad tracks. Mr. Poole stated that the Planning Board wanted to look at this area because the zoning was M-2 Heavy Industrial, which is generally not suitable zoning when close to neighborhoods. Mr. Poole stated that the proposed areas are in close proximity to the Council Street and Jersey City Neighborhoods.

Mr. Poole noted that several months ago Council took action to rezone portions of properties located to the west of the current properties in question. He explained that in looking at the proposed areas, the Planning Board has several objectives, which are to look at areas zoned M-2, to look at areas where property lines and zoning lines do not follow each other, and to avoid creating any non-conformity.

The largest area for rezoning is from M-2 Heavy Industrial to B-6 General Business. Mr. Poole noted that this will not create any non-conformity.

The second area for consideration will be to change a small section of property from R-6 Two Family Residential to B-6 General Business.

The third property is zoned M-2 Heavy Industrial and the Planning Board recommends rezoning to SFC Single Family Conservation. This property is owned by the Community Development Corporation and they seek the SFC classification.

The fourth piece of property is zoned M-2 Heavy Industrial and the Planning Board recommends rezoning to R-6 Two Family Residential because the property is currently split by zoning and the Planning Board would like to create consistency.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider Zoning Map Amendment Z-15-03 Salisbury Planning Board, to rezone portions of properties between West Innes Street and railroad tracks.

Mayor Kluttz noted that Mr. Chanaka Yatawara, Executive Director of the Salisbury Community Development Corporation, was not able to attend but did ask that consideration be given for the CDC property to be rezoned to SFC.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to rezone 1) R-6 Two Family Residential to B-6 General Business; 2) M-2 Heavy Industrial to B-6 General Business; 3) M-2 Heavy Industrial to SFC Single Family conservation; and 4) M-2 Heavy Industrial to R-6 Two Family Residential. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 4.982 ACRES OF PROPERTY, LOCATED GENERALLY OFF WEST INNES STREET TO THE RAILROAD TRACKS, AND ALONG A PORTION OF THE 100 BLOCK OF NORTH CRAIGE STREET, (1) FROM R-6 TWO FAMILY RESIDENTIAL TO B-6 GENERAL BUSINESS, (2) FROM M-2 HEAVY INDUSTRIAL TO B-6 GENERAL BUSINESS, (3) FROM M-2 HEAVY INDUSTRIAL TO SFC SINGLE FAMILY CONSERVATION, AND (4) FROM M-2 HEAVY INDUSTRIAL TO R-6 TWO FAMILY RESIDENTIAL. THESE PROPERTIES MAY ALL BE FOUND ON SALISBURY TOWNSHIP TAX MAP 20, WITH (1) BEING PARTS OF PARCELS 63 AND 160, (2) BEING ALL OF PARCEL 55-4 AND PART OF PARCEL 160, (3) BEING PART OF PARCEL 55, AND (4) BEING PARTS OF PARCELS 59 AND 57, ALONG WITH STREET AND OTHER RIGHTS-OF-WAY.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI – Zoning & Planning at Page Nos. 68-71, and is known as Ordinance No. 2003-73.)

ZONING MAP AMENDMENT - Z-16-03 - OAKLAND HEIGHTS BAPTIST CHURCH

Z-16-03 - Oakland Heights Baptist Church
East Liberty Street south to Newsome Road

(a) Mr. Harold Poole, Senior Planner, stated that this was a unanimous recommendation from the Planning Board. The property is located along the dead-end portion of East Liberty Street, from about 300 to 425 feet southwest of Newsome Road. Mr. Poole indicated that Oakland Heights Baptist Church has purchased the property and would like to see it rezoned to R-8 Single Family Residential.

Mr. Poole noted that the property is undeveloped and the church has support in seeking the rezoning to R-8 as neighbors would rather have it zoned R-8 than RD-B.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider Zoning Map Amendment Z-16-03, Oakland Height Baptist Church, and East Liberty Street south to Newsome Road.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Burgin made a **motion** to rezone Z-16-03 from RD-B to R-8 Single Family. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY

REZONING APPROXIMATELY 1.5 ACRES, WITH ABOUT 110 FEET ON EAST LIBERTY STREET APPROXIMATELY 300 FEET EAST OF ITS INTERSECTION WITH NEWSOME ROAD, IDENTIFIED AS PARCEL 42 ON SALISBURY TOWNSHIP TAX MAP 58, FROM RD-B RESIDENTIAL DEVELOPMENT-B TO R-8 SINGLE FAMILY-8 RESIDENTIAL.

(The above ordinance is recorded in full in Ordinance Book No.19, under Chapter XI – Zoning & Planning at Page No.72, and is known as Ordinance No. 2003-74.)

ZONING TEXT AMENDMENT - SUBDIVISION REAL ESTATE SIGNS

(a) Mr. Harold Poole, Senior Planner, explained that this request was brought to the Planning Board by Mr. Chuck Harriss who was seeking a zoning text amendment to allow residential subdivision real estate signs. The signs will be placed at the entrance of a subdivision with an additional sign to be placed inside the development.

The Planning Board recommends allowing the text change as a conditional use to go before the Zoning Board of Adjustment with the following conditions:

- One or two signs may be allowable per entrance, with no more than two entrances.
- Signs at the entrance into the development shall be known as Master Development Signs, and signs within the subdivision shall be known as Interior Development Signs. Approval may be considered for each type of sign at (or near) each entrance into the subdivision.
- The maximum size for any sign shall be 32 square feet.
- The maximum height (above ground level) shall be 10 feet.
- The materials for the signs shall consist of 3/4" vinyl coated marine grade plywood, or better.
- The signage shall be allowed only for the primary developer of the subdivision.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment for subdivision real estate signs at and near entrances into the subdivision.

Those speaking in **favor** of the proposal were:

Mr. Chuck Harriss, Fisher-Harriss Development, 614 North Main Street, explained to Council that originally their only option was to place a "for sale" sign on each of the 200 lots that they purchased in the Crescent subdivision. He noted that he did not want to add clutter. He stated that they would rather restore the lot markers and have real estate signs at the entrance. Mr. Harriss noted that the industry standard is to have a sign at the entrance of the subdivision with basic information, and a second sign inside of the subdivision with contact information. He stated he felt four (4) signs versus two hundred (200) would be better for the City.

Since no one else was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

Mayor Kluttz thanked Mr. Harriss for bringing this to Council's attention and noted that she felt this change made good common sense.

(c) Thereupon, Mr. Kennedy made a **motion** to approve the zoning text amendment for subdivision real estate signs at or near entrances into the subdivision. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX, B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, SECTION 9.05(8)(b), PART 7, BY ADDING A NEW PARAGRAPH FOR ON-PREMISE REAL ESTATE SIGNS TO ALLOW THE ZONING BOARD OF ADJUSTMENT TO ISSUE A CONDITIONAL USE PERMIT FOR RESIDENTIAL SUBDIVISION REAL ESTATE SIGNS.

(The above ordinance is recorded in full in Ordinance Book No.19, under Chapter XI – Zoning & Planning, at Page No. 73, and is known as Ordinance No. 2003-75.)

PUBLIC HEARING - STREET CLOSING - 500 BLOCK OF JULIA DRIVE AND A PORTION OF 1900 BLOCK OF SHIRLEY AVENUE

(a) Ms. Wendy Brindle, Traffic Engineer, indicated that Council adopted a resolution of intent to close the 500 block of Julia Drive and a portion of the 1900 block of Shirley Avenue. The streets are surrounded by property owned by Mt. Zion Baptist Church.

Ms. Brindle stated that staff has made all necessary notifications to inform the public and it appears to staff that closing the streets will not be contrary to the public interest, and it will not deprive anyone of means of ingress or egress.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider closing the 500 block of Julia Drive and a portion of the 1900 block of Shirley Avenue.

Those speaking in **favor** of the proposal were:

Mr. Nilous Avery, Pastor Mt. Zion Baptist Church, along with Mr. Matt Robinson, Kogen Incorporated, addressed Council concerning the proposed street closing. Reverend Avery stated that this will not eliminate any travel in the area or cause any handicaps but will allow the church to move ahead with their planned building. Mr. Robinson stated that they are working with the church to build a 10,000-11,000 square foot multi-ministry facility in the location where the streets cross.

Since no one else was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

Mr. Kennedy stated he is familiar with this area and he felt this will be a great improvement.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt a resolution pertaining to the acceptance of an offer of dedication for public use of the 500 block of Julia Avenue and a portion of the 1900 block of Shirley Avenue. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE 500 BLOCK OF JULIA DRIVE AND A PORTION OF THE 1900 BLOCK OF SHIRLEY AVENUE.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 71, and is known as Resolution No. 2003-53.)

(d) Thereupon, Mr. Kennedy made a **motion** to adopt the ORDER for closing the portion of these streets. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING STREET
CLOSING THE 500 BLOCK OF	*	PURSUANT TO GENERAL STATUE
JULIA DRIVE AND A PORTION OF	*	OF NORTH CAROLINA SECTION
THE 1900 BLOCK OF SHIRLEY	*	160A-299
AVENUE		

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on November 18th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said street is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on October 24, 31 and November 7, 14.

And it further appearing to the Council and the Council finding as a fact, that the closing of the streets, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said streets or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said streets; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299.

JULIA DRIVE

BEGINNING at an existing 1" iron pipe (NCGS grid coordinates, NAD 83 : N 709362.93 feet, E 1549263.47 feet) located at the northwest right-of-way intersection of Julia Street (40 foot right-of-way) and Shirley Street (40 foot right-of-way) and the southeast property corner of Mt. Zion Baptist Church (Rowan County Register of Deeds Book 952, Page 101) (Tax Parcel ID # 331-B-221), said point also located N 22-09-08 W 13986.78 feet (ground) from NCGS Monument "Sali" (NCGS grid coordinates, NAD 83: N 696409.45 feet, E 1554537.08 feet). Thence, from said Point of Beginning and following the western right-of-way margin of Shirley Street S 00-51-33 W 40.11 feet to a point marking the intersection of said western right-of-way margin of Shirley Street and the northeast property corner of Mt. Zion Baptist Church (Deed Book 616, Page 105) (Tax Parcel ID #331-B-146). Thence leaving Shirley Street and following the northern property line of Mt. Zion Baptist church (Deed Book 616, Page 105) (Tax Parcel ID #331-B-146) N 89-09-49 W 149.85 feet to an existing 1" iron pipe in the eastern property line of Mt. Zion Baptist Church (Deed Book 813, Page 264) (Tax Parcel ID #331-B-220). Thence leaving Mt. Zion (Tax Parcel ID # 331-B-146) and following Mt. Zion (Tax Parcel ID #331-B-220 & 221) N 00-50-11 E 40.11 feet (passing an existing #5 rebar marking the line between Tax Parcel ID # 331-B-220 & 221 at 20.22 feet) to a point. Thence following the southern property line of Mt. Zion (Tax Parcel ID # 331-B-221) S 89-09-49 E 149.86 feet to the Point of BEGINNING. The stated description is for the closure of a portion of Julia Drive and contains 0.138 acres in total.

SHIRLEY AVENUE

BEGINNING at an existing 1" iron pipe (NCGS grid coordinates, NAD 83: N 709362.93 feet, E 1549263.47 feet) located at the northwest right-of-way intersection of Julia Street (40 foot right-of-way) and Shirley Street (40 foot right-of-way) and the southeast property corner of Mt. Zion Baptist Church (Rowan County Register of Deeds Book 952, Page 101) (Tax Parcel ID # 331-B-221), said point also located N 22-09-08 W 13986.78 feet

(ground) from NCGS Monument "Sal" (NCGS grid coordinates, NAD 83; N 696409.45 feet, E 1554537.08 feet). Thence, from said Point of Beginning and following the eastern property line of Mt. Zion (Tax Parcel ID # 331-B-221) the following two (2) courses and distances: 1) N 00-57-35 E 150.00 feet to a point; 2) S89-09-50 E 39.92 feet to a point in the western property line of Mt. Zion Baptist Church (Deed Book 821, Page 273) (Tax Parcel ID # 331-B-205) Thence leaving Mt. Zion (Tax Parcel ID# 311-B-221) and following the western property line of Mt. Zion (Tax Parcel ID # 331-B-205) S 00-57-35 W 150.00 feet to an existing ½" iron pipe marking the intersection of said Mt. Zion (Tax Parcel ID # 331-B-205) and the northern right-of-way margin of Julia Street. Thence leaving Mt. Zion (Tax Parcel ID # 331-B-205) and following the northern right-of-way margin of Julia Street N 89-09-50 W 39.92 feet to the point of BEGINNING. The stated description is for the closure of a portion of Shirley Avenue and contains 0.137 acres in total.

NOW, THEREFORE, be it resolved that the City Council shall on the 18th day of November, 2003 at 4:00 p.m., hold a public hearing in the City Council Chambers of City Hall, 217 South Main Street, Salisbury, North Carolina, to consider forever closing the aforementioned streets.

This 18th day of November, 2003.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Klutz
Mayor

s/s Myra B. Heard
City Clerk

BUDGET ORDINANCE AMENDMENT - GIS TRAINING - FY2003-2004 BUDGET

Ms. Kathryn Clifton, GIS Coordinator, asked Council to approve a budget ordinance amendment in the amount of \$2,800 for the FY 2003-2004 budget to accept money received for ArcGIS training and to use the money for materials associated with the training.

Thereupon, Mr. Woodson made a **motion** to approve the budget ordinance amendment for \$2,800 for the proceeds for GIS training. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2003-2004 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE FEES RECEIVED FOR ArcGIS CLASS.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter II – Administration at Page No. 45, and is known as Ordinance No. 2003-76.)

BUDGET ORDINANCE AMENDMENT - PARKS AND RECREATION DEPARTMENT- FY2003-2004 BUDGET

Ms. Gail Elder-White, Parks and Recreation Director, asked Council to approve a budget amendment to the FY2003-2004 budget in the amount of \$10,988. She noted that the largest portion was a \$5,000 grant received from the United States Tennis Association. Other monies were received from additional tennis donations, contributions for a 5K run, the Halloween Fun Fest, and Park Partners for the Parks brochure.

Thereupon, Mr. Woodson made a **motion** to approve the budget amendment of \$10,988 for various donations for Parks and Recreation for the FY 2003-2004 budget. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2003-2004 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 19, Chapter II – Administration at Page No. 47, and is known as Ordinance No. 2003-77.)

CAPITAL PROJECT ORDINANCE - STATESVILLE EMERGENCY WATER LINE CONNECTION

Mr. Matt Bernhardt, Assistant City Manager for Utilities, noted that since Council approved the interconnection agreement with the City of Statesville to provide an emergency back-up water supply for both cities, staff has been working to move the project forward. He stated that the design is being completed, necessary permits and approvals have been obtained from the state, and the right-of-way has been acquired.

Mr. Bernhardt asked Council's consideration for a project budget ordinance in the amount of \$900,000 to fund Salisbury's portion of the project. He indicated that the City of Statesville is also moving forward with their portion of the project. Mayor Pro Tem Woodson inquired about the size of Statesville's portion of the project. Mr. Bernhardt replied that they will have to extend water line approximately five (5) miles and put in a new pump station, while the City of Salisbury has to extend water line approximately .9 mile, put in an additional pump and controls at the pump station, and a back-up generator.

City Manager David Treme informed Council that all of the Statesville line located in Rowan County will become the property of the City of

Salisbury. The City will have the asset plus approximately 100,000 gallons of water for its use. Mr. Treme stated that staff had estimated the cost to be \$840,000 but he pointed out that there is a contingency in the budget of \$108,000 so the project is very close to the initial estimates given to Council. Mr. Treme noted that the City received a \$400,000 grant from the state to help offset the costs. He added that staff felt this will be a benefit to the system.

Mayor Kluttz asked about Statesville's portion of the project. Mr. Treme estimated it to be several million dollars. He noted that, along with the City, they also received \$400,000 from the state to offset their cost. Mayor Kluttz commented that this was a terrific benefit to the City.

Mr. Bernhardt stated that the City of Statesville has recently completed a new raw water line to the Catawba River giving them capability to back-up the City of Salisbury in the event of an emergency. He noted that the agreement called for a minimum of two (2) million gallons be shipped per day in the event of an emergency.

Thereupon, Mr. Woodson made a **motion** to approve the capital budget project for \$900,000 for the Statesville emergency water line. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

STATESVILLE EMERGENCY INTERCONNECTION CAPITAL PROJECT ORDINANCE.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter II – Administration at Page No. 47, and is known as Ordinance No. 2003-78.)

GRANT AGREEMENT - STATESVILLE EMERGENCY WATER LINE CONNECTION PROJECT

Mr. Matt Bernhardt, Assistant City Manager for Utilities, noted that this agreement is for the \$400,000 grant committed by the state for the Statesville emergency water line project.

Thereupon, Mr. Woodson made a **motion** to authorize the Mayor to execute a grant agreement with the NC Department of Environment and Natural Resources in the amount of \$400,000 for the Statesville emergency water line. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

Councilman Kennedy commented that when the water main broke earlier in the year the City was down to four (4) hours of water and this is why the agreement is needed.

AWARD CONTRACT - KKA ARCHITECTURE - RENOVATION OF THE SALISBURY POLICE DEPARTMENT

Mr. John Sofley, Finance Director, informed Council that he has been working with KKA Architecture for several months to put together a contract for work at the Police Department. He reminded Council that as the result of a study pointing out the shortfall of office space in the Police Department, Council included \$3,465,380 in the current budget for an addition and renovations to the current facility.

Mr. Sofley stated he has worked with KKA Architecture to put together a contract that will allow them to add 14,000 square feet, renovate the existing facility, put a new roof on the existing facility, and update office space. He added that he felt this will get the Police Department up to speed and should meet their needs for the next twenty (20) to twenty-five (25) years.

Thereupon, Mr. Woodson made a **motion** to approve the contract for \$309,400 to KKA Architects to provide design and construction services for the new addition to the Police Department and renovations. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

LEASE AGREEMENT WITH AT&T - ANTENNA SPACE - 155 CROSS RIDGE AVENUE

Mr. Michael Crowell, Information Technology Manager, informed Council that the City has been approached by AT&T to lease space on the water tank located at 155 Cross Ridge Avenue. He noted that the terms have been negotiated for an initial term of five (5) years with five (5) additional five (5) year terms. There will be a monthly rent of \$1,400 with an increase of 10% at the beginning of each new term. Mr. Crowell stated that this will be an investment of approximately \$180,000 over thirty (30) years of the lease. He asked for Council's consideration to authorize the City Manager to sign the lease after it is finalized by the City Attorney.

Mayor Pro Tem Woodson asked about the dollar amount of the lease. Mr. Crowell stated it is \$180,000 over a thirty (30) year period. Mr. Treme reiterated that the monthly rent is \$1,400 with an increase every five (5) years. He stated that this is a little more than the going rate for water tower space lease. Mr. Treme noted that currently there is nothing on the tower and added that the company will install a fence around the tower to protect it.

Thereupon, Mr. Kennedy made a **motion** to authorize the City Manager to sign a contract with AT&T. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RECEIVE COMMENTS FROM MR. VON POSTON - SALISBURY SQUARE ANTIQUES

Mr. Von Poston, Co-owner of Salisbury Square Antiques, addressed Council concerning parking issues downtown. Mr. Poston thanked Council for their positive vision for downtown Salisbury. He also thanked Deputy Chief Stutts for attempting to help him with his parking problems.

Mr. Poston asked Council for an immediate emergency provision to the existing parking ordinance to allow him to stay in business, by allowing more than two (2) hours of parking to various tenants at various times.

Mr. Poston explained that his building is 43,200 square feet of retail space and he considers himself a hub of downtown Salisbury as one of the largest retail stores. Mr. Poston noted that 70% of his tenants are from out of town and this is money being brought into downtown Salisbury.

Mr. Poston stated that his store was not designed for an antique mall, which is its current use. The store was originally home to Belk's who leased the back parking lot for loading and unloading. He stated that this was not monetarily feasible or convenient for him to do.

Mr. Poston told Council that many of his tenants can not load and unload their merchandise in the two (2) hours allowed. For security, heat and liability reasons all of the merchandise must come through the front doors. He made a suggestion that a placard be given to the vendors to place in their car during this time.

Mr. Poston stated that downtown Salisbury needed to attract money, merchants and visitors to become stronger and to grow. He added that he has spoken with many City leaders and while all are sympathetic, none have been able to help.

Mr. Poston voiced his support for plans for a downtown convention center, restoration of the Empire Hotel, construction of a parking deck, and a plan to bring more housing and retail jobs to downtown but stated that the City must embrace the existing businesses. He again asked Council for an exclusion to the parking ordinance for all businesses in a similar situation. He recommended basing the exemption on the business, size of building, or number of licenses housed under one roof. Mr. Poston also requested an open forum when writing new language for an updated parking ordinance.

Mayor Kluttz asked staff to work on a response for Council's next meeting, suggesting they work with Downtown Salisbury, Incorporated.

Mayor Kluttz thanked Mr. Poston for his business and his important contribution to downtown. She noted that Council cares very deeply about downtown and the City and always looks for ways to make improvements.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their November 11, 2003 meeting.

(b) State Purchasing Law Revisions

Mr. John Sofley, Finance Director, briefed Council on state purchasing law revisions. He noted that over the last few years the General Assembly has made numerous changes to the purchasing statutes and many of the changes have been incorporated into the City's purchasing policy as a matter of record. He added that there were several changes, however, that staff felt needed to be brought to Council for consideration.

Mr. Sofley explained that there are two components of the purchasing statutes, construction/repairs and equipment/supplies/materials. He noted that each has separate limits for formal bids. He explained that a formal bid has to have written specifications, has to be advertised, and those who respond have to meet certain criteria, sometimes including a bid bond. Mr. Sofley stated that this can be very costly to the City, as well as for those who bid. The second type of bid is an informal bid, which may or may not be required to have some of the formal documents in place.

Mr. Sofley discussed the construction/repair portion of the state statutes. If any governmental entity wishes to build or repair anything that costs over \$50,000 they are required to use the services of an architect or engineer whether the bid is formal or informal. The formal bid limit was formerly set at \$100,000. Mr. Sofley noted that if the City wished to engage in a project that exceeded \$100,000 then formal specifications had to be prepared and the bid would have to be advertised and go through the entire formal bid process. The limit in the General Statutes has been raised to \$300,000 and Mr. Sofley recommended the City increase its formal bid threshold to \$200,000.

Mr. Sofley told Council that by being able to bid on an informal basis, the City was not required to advertise. This means staff can solicit bids from local vendors and does not have to advertise in Charlotte or Concord. He noted that if an out of town vendor wished to bid, they could not be turned down, but staff did not have to solicit their bids.

Mr. Sofley asked Council to increase the City Manager approval level from \$50,000 to \$100,000. He added that when a bid is received over \$100,000 it will be brought to Council for approval.

Councilman Burgin stated that in any kind of purchase there is a budgetary agreement already in place. Mr. Tremé confirmed this and noted that he operates within the adopted City budget, adding that in most situations the funds are already approved by Council. He stated that he felt this will save the City time and money, as well as provide flexibility to bid locally.

Mr. Burgin stated that, as a body, Council still has the process to approve the budget and this is a means of how the budgeted money is spent. He added that this is not giving the money to the City Manager to spend at will.

Mayor Pro Tem Woodson stated that he felt this is great for our local vendors.

Mayor Kluttz noted that the business unfriendly perception of the City is because of the amount of time things take and this will shorten the required amount of time. She added that not having to advertise out of town will be an advantage to local business and companies and the informal bid process will save the City money.

Mr. Sofley discussed the process for purchasing equipment/supplies/materials. The current policy calls for a formal bid and Council approval for purchases above \$30,000. The state statutes have also increased these limits. He recommended Council approve the formal bid level at \$90,000 and the Manager be given approval up to \$90,000. He reiterated that a purchase will not be made unless the money is already budgeted.

Thereupon, Mr. Kennedy made a **motion** to adopt the revisions to the state purchasing statutes as recommended by staff. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(c) Employee Holiday Luncheon

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City Manager Treme informed Council that the City employee holiday luncheon will be held Thursday, December 11, 2003 from 11:30 a.m. to 1:30 p.m. at the Salisbury Civic Center.

MAYOR'S ANNOUNCEMENTS

(a) Holiday Caravan Parade

Mayor Kluttz announced that the Holiday Caravan parade is scheduled for Wednesday, November 26, 2003, beginning in Spencer at 1:45 p.m. Mayor Kluttz asked Council members to let Mr. Joe Morris know if they preferred to ride in a car or on the fire truck. Council agreed to meet at the City Hall parking lot at 1:15 p.m.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:04 p.m.

Mayor

City Clerk